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Letter dated 28 July 2003 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you herewith the memorandum of the Panmunjom Mission of the Korean People's Army, dated 23 July 2003 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) **Pak** Gil Yon
Ambassador
Permanent Representative

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Annex to the letter dated 28 July 2003 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council

MEMORANDUM OF THE PANMUNJOM MISSION OF THE KOREAN PEOPLE'S ARMY

(ON THE OCCATION OF THE 50TH ANNIVERSARY OF THE SIGNING OF THE KOREAN ARMISTICE AGREEMENT)

Half a century has passed since the cessation of 3 years of severe war and the conclusion of the armistice in Korea. However there has not yet been a durable peace on this land and the people are under constant uneasiness and fear, misfortune and pain for the dark cloud of war still hovering over the Korean peninsula.

The modern history does not make any record of unstable duration of armistice, neither war nor peace, for a long period of half a century like in Korea.

The constant tension and the current misfortunes and sufferings being imposed upon the Korean people are entirely attributable to the hostile policy of the United States against the Democratic People's Republic of Korea (DPRK).

On the occasion of the 50th anniversary of the signing of the Armistice Agreement (AA), the Panmunjom Mission of the Korean People's Army (KPA) issues this memorandum, considering that it is necessary to inform the people all over the world of the criminal acts of the US who brought about nuclear threat and ceaseless danger of war on the Korean peninsula by having destroyed and violated all key provisions of the AA as well as sub-paragraph 13 d and Paragraph 60 which stipulate the prevention of recurrence of war in Korea and peaceful settlement of the Korean question.

I

All the Korean people and peace-loving people the world over had concentrated their concern and expectation to the Paragraph 60 when the AA was concluded, as a result of hot debates lasting over 500 days, on July 27, 1953, 50 years ago.

It is because Paragraph 60 stipulates; "in order to ensure the peaceful settlement of the Korean question, the military commanders of both sides hereby recommend to the governments of the countries concerned on both sides that, within 3 months after the AA is signed and becomes effective, a political conference of a higher level of both sides be held by representatives appointed respectively to settle through negotiations the question of the withdrawal of all foreign forces from Korea, the peaceful settlement of the Korean question, etc."

The implementation of the Paragraph 60 of the AA was precisely a matter of concern for removing the source of war by making it possible to withdraw all foreign forces from

Korea and to realize the national reunification by peaceful settlement of the Korean question, thus contributing to the peace in Asia and the rest of the world.

However, the US paid its primary attention to the unsuccessful implementation of the Paragraph 60, which became biggest obstacle to the realization of its hostile policy against the DPRK, of all others and left no means untried to prevent the convocation of the political conference scheduled to discuss the Paragraph 60.

Before the ink dried after the signing of the AA, the US concluded the "Mutual Defense Treaty" with south Korea according to the ready-made plan on August 8, 1953 and legalized the occupation of its troops in south Korea, openly challenging the Paragraph 60 of the AA which envisages the withdrawal of all foreign forces.

Along with this, the US made desperate efforts to break up the convocation of the political conference by using the UN that had been, in fact, deprived of its impartial status in resolving the Korean issue since it had become a belligerent party through the Korean war.

At the special session of the 7th UN General Assembly held on August 28, 1953, the US made a decision for holding preliminary talks for the political conference which was not stipulated in the AA by adopting a resolution on the political conference in the absence of the representative of the DPRK, a signatory party to the AA.

But the US made the preliminary talks, started at Panmunjom from October 26, 1953, waste the time of over 22 days in discussing the political agenda item only according to its plan and repeat tedious intensive controversies over the issues of participants, venue and time for the talks.

Relying on such a delaying tactics, the US side unilaterally withdrew its delegation from the conference room on December 12 without any appropriate reason, thus disrupting this talks on the 48th day from its beginning.

The fact that the US side has no intention to withdraw its armed forces from the Korean peninsula and peacefully resolve the Korean question was proved by the statement issued, in July, 1951 when the armistice negotiation began, by Acheson, the then US Secretary of the State Department, saying "Even though the AA reached, the US forces will keep stationing in Korea."

Despite our stubborn efforts, the political conference was failed to be convened by the machinations of the US side and Paragraph 60 of the AA was by no means realized owing to the US subversive maneuvers.

Succeeding in destruction of Paragraph 60 of the AA, the US side immediately went over to destroy Sub-paragraph 13 d of the AA which prohibited the armed reinforcement to prevent a recurrence of war in Korea.

Sub-paragraph 13 d of the AA describes; "cease the introduction into Korea of reinforcing combat aircraft, armored vehicles, weapons and ammunition."

This article was a great obstacle for the US side to step up its new war preparations in Korea.

Keeping this article intact, the US side could not modernize its equipment stationed in south Korea and it was also an obstacle to the immediate increase of the south Korean Army from 20 divisions to 40 and the modernization of combat equipment of its navy and air force under the name of "well-balanced extension of 3 services."

Especially this paragraph was preventing the US from introducing its nuclear weapons into south Korea scheduled by the then US President Eisenhower's so called "Large-scale retaliation strategy."

US destructive activities against Sub-paragraph 13 d of the AA began with the expelling from south Korea the Neutral Nations Inspection Teams (NNIT) which were acting in several areas such as Inchon, Taegu, Pusan, Kangrung and Kunsan, the 5 ports of entry in south Korea according to the Paragraph 43 of the AA in order to supervise the implementation of the Sub-paragraph 13 d.

At that time, those teams earnestly fulfilled their mission under the AA.

On July 31, 1953, the 4th day of the AA conclusion, the NNIT members in Pusan discovered the US illegal introduction into south Korea of 106 guns and hundreds of thousand rounds of variety of bullets and shells through Pusan Port with the label of "PX" and reported it to the Neutral Nations Supervisory Commission (NNSC) despite base intimidation and blackmail on the part of the US side.

And on November 8, 1954, they disclosed the US illegal act of illegally introducing over 5,439,000 rounds of variety of bullets and shells.

Also in other ports of entry the inspection team members detected a large number of US illegal acts in short period.

In 9 months alone after the ceasefire, the US side illegally introduced a large number of military weapons and equipment in flagrant violation of Sub-paragraph 13 d of the AA, numbering 177 combat aircraft, 465 artillery pieces of different calibers, 6,400 rockets, 1,365 machine guns and millions of artillery shells and ammunition, which were only detected by the inspection teams.

It became clear as days go by that its arms build-up plan could not be realized under the presence of the NNITs in south Korea,

Therefore, accidents of aircraft crash and automobile collision were organized intentionally by the US, which were followed by the brutal assaults on them and descents on their billets during 3 years when the members of the NNITs were dispatched to and engaged in their operations at the ports of entry in south Korea.

Moreover, the US threatened their safety and disturbed them in their action, using all possible ways and means including demonstrations against the members of the NNITs, under the slogan read "drive out the communist spies" at ports of entry where they moved in action.

On July 30, 1954, the US made Won Yong Dok, commander of Syngman Rhee's M.P. issue a statement of threat that the necessary measures would be taken if the members of the NNITs do not immediately withdraw from south Korea.

On July 31 next day, in Washington Syngman Rhee declared, in support of that statement, that he supported Won Yong Dok' s measures on the NNSC saying that such measures should have already been taken.

That afternoon, according to the "necessary measures" mentioned taken by the commander of MP, the billet of the NNITs in Pusan got fired in succession and the following day on August 1 in Kumsan hit by 3 bombs.

On August 4, the members of NNSC from Switzerland, Sweden, the former Czechoslovakia, Poland asked to cease all unjust acts against their regular action and protect their safety through letters under joint signature addressed to commander of United Nations Command (UNC) and senior member of the UNC Military Armistice Commission (MAC).

It was a reasonable claim corresponding to Sub paragraph 13 d and Paragraph 28 of the AA which stipulates to request the NNSC to conduct observations supervision inspections, and investigation.

In spite of that, Dulles, the then US Secretary of State revealed in the press conference the intention of the US side to remove the NNSC, the supervisory organ for AA implementation and the NNITs, its subordinate organ that put a brake on the war preparations of the US by saying that US approved the conclusion of the operations of the NNSC and the only thing to do was how to conclude its operations.

At last the US that had engaged in all sorts of machination in order to remove the NNITs, on May 31, 1956, announced to cease the activities of NNIT at ports of entry in south Korea at the 70th MAC meeting by making Guard, Senior Member of its side declare that the UNC was notifying that the UNC would suspend performance on its part

of those provisions of the AA governing the operations in the area under the control of the UNC of the NNSC and its NNITs.

A week after that, it committed a ferocity to expel simultaneously all the NNITs that were in action at 5 ports of entry in south Korea.

Thus, the US side recklessly abrogated, at once, Paragraphs 40, 41, 42, 43, 44, 45, 46 of the Article 2 of the AA.

Confronted with the grave situation created by the outrageous violation of the agreement on the part of the US, our side set forth at the 71st MAC meeting on June 4 and through the statement issued on June 10, 1956 a proposal to tentatively withdraw the inspection teams from the ports in north and south Korea and to dispatch provisional ones later in the case of need.

The aim of this proposal was to maintain the status and authority of the NNSC and its subordinate organs and to prevent the agreement from being abrogated because of the issue of the Neutral Nations Inspection Teams.

However, the US side not only arrogantly rejected this proposal but it went to the length of hatching a grave agreement-abrogation plot to remove the whole of Sub-paragraph 13 d from the AA and began to carry out its machinations.

Prior to the abrogation of Sub-paragraph 13 d, the high-ranking officials of the US Administration overtly claimed the inevitability of its abrogation.

On May 14, 1957, Dulles, US Secretary of State, said that the US should consider the way how to send more modern and effective weapons to the Republic of Korea.

On the same day, Wilson, Secretary of Defense, stated that the weapons the US was considering to arrange in south Korea would be of the same types of weapons provided to the western European allied countries and according to this, the American armed forces in south Korea would be reorganized into the pentomic units.

On May 28, the chairman of the headquarters of Joint Chiefs of Staff said that the Armistice was not to be maintained forever, so the US troops in south Korea should be provided with the new-type of weapons in the future.

Taking it a good chance, the US officially announced at the 75th MAC meeting that it would cease to observe Sub-paragraph 13 d of the AA, laying out a preposterous sophistry that in order to "restore the relative balance of the military strength" it is necessary to introduce the new-type weapons in view of the obsolete weapons not being manufactured in the United States.

On the same day, the Department of Defense proclaimed that the US government decided to introduce new-type weapons into south Korea.

This way, the US side opened up an avenue to convert south Korea into a nuclear ordinance store and advance base for war supplies and to accelerate war preparation, introducing all sorts of modern combat equipment, weapons and even nuclear weapons strictly prohibited by the Sub-paragraph 13 d of the AA.

The nuclear crisis began in fact at that time in the Korean peninsula and since then the Korean people has lived under the nuclear threat from the US.

On February 27, 1960, the Chief of General Staff of the US Army, Remnitzer confessed at the hearing of the House Appropriation Committee that the US has exerted its efforts for several years to succeed in the abrogation of Sub-paragraph 13 d of the AA and equip south Korea with new-type weapons.

In the wake of the unilateral proclamation of the abrogation of the Sub-paragraph 13 d, the US moved in July, 1957 the "UNC" from Tokyo to Seoul and engaged in all-out full-scale war preparations, introducing new-type weapons en masse.

In face of the grave confrontation, ceasefire or recurrence of war, the DPRK government issued statement on June 26, 1957, denouncing the US war preparation machinations and proposing a convocation of the international meeting of the countries concerned to settle the question of the withdrawal of all foreign forces from Korea, preserving a durable peace and to promote the peaceful settlement of the Korean question.

And on February 5, 1958, it issued a statement proposing to withdraw all foreign forces from Korea including the US Army and the Chinese Peoples Volunteers (CPV) at the same time to ward off the danger of recurrence of war under the situation that the US was introducing more massively new-type combat equipment and weapons and even was building up nuclear bases in south Korea.

The whole world expressed positive support to these proposals presented by the DPRK, but the US side did not accept them.

However, starting from the sincere desire to open up the road for the peaceful settlement of the Korean issue, the KPA/CPV side took initiative in declaring the unilateral withdrawal of the CPV from Korea as an active measure and completed the CPV' s withdrawal by 26 October 1959.

Nearly 45 years have passed after the CPV' s complete withdrawal from Korea.

But till now, the US keeps on stationing its troops in south Korea.

Today, none other than the US troops occupying south Korea are the root cause of constant tension and war threat on the Korean peninsula and of all misfortunes that the entire Korean people has been undergoing.

Out of these facts, the world should judge who on earth truly wishes the peace and stability on the Korean peninsula.

3

For the last 50 years, the US not only systematically abrogated and violated the provisions of the AA which became obstacles to the preparation of a new war in Korea but dismantled all supervisory organs for implementing the AA.

The US, that had dismantled the NNIT, a subordinate organ of the NNSC, and Joint Observation Team, a subordinate organ of the MAC stipulated by Paragraph 23, Article 2 of the AA which stood in the way for the preparation of the new Korean war, tried for a long time to dismantle even the MAC and the NNSC, the last existing supervisory organs.

On March 25, 1991, flagrantly violating Paragraph 20, Article 2 of the AA, the US appointed an army general of south Korea that was not a signatory party to the AA and therefore had no any qualification and authority to deal with the issues related to the AA, as senior member of the US side of the MAC.

This was an undisguised mockery to the MAC and vicious maneuvers to dismantle it.

After all, the US appointment of a general of the south Korean army as a senior member of the US side put an end to the existence of the MAC, and the NNSC that lost its business could not but fade away of its own accord.

In Panmunjom, the MAC and the NNSC, the supervisory organs of the Armistice exist no longer.

Thus far, the provisions related to the MAC from Paragraph 19 to 35 and the provisions related to the NNSC from Paragraph 36 to 50, Article 2 of the AA lost their functions and faded away.

Even if the current unstable ceasefire being scarcely maintained by both belligerent parties be destroyed, creating a grave situation in which another war may break out, there exists no longer any legal mechanism to prevent in and save the situation.

Under such circumstances, on April 28, 1994, the KPA side, continuously striving to prevent a recurrence of war and ensure peace and security on the Korean peninsula, presented to the US side a proposal for discussing the issue of converting the AA into a peace agreement and establishing a new peace-ensuring mechanism as a measure for keeping durable peace and security on the Korean peninsula.

This was a reasonable and fair proposal conducive to bring about durable peace on the Korean peninsula under the circumstances when the AA actually lost its effectiveness.

But the US refused our proposal for negotiations.

Since almost all the provisions are paralyzed and even the rest of the provisions of the AA falls to reflect reality, the KPA side made another proposal on February 22, 1996, to negotiate with the US side for concluding a provisional agreement which replaces the present AA and establishing a provisional body to perform it until a peace agreement reached.

Under the situation that the US rejected the conclusion of the peace agreement, this proposal was a realistic one which can be accepted by both sides as a provisional measure necessary in the transitional period pending the conclusion of a peace agreement to ease tension, prevent armed conflict and ensure security in the Korean peninsula.

But the US rejected again this proposal without any alternative proposal.

Since the AA lost its effectiveness and its executive organ dismantled and the US rejected our proposal for realizing a provisional agreement and organ, the KPA side set forth on October 9, 1998 a proposal on establishing a military commission for security as a military joint mechanism. This proposal was intended to prevent any military conflict and provide security on the Korean peninsula until the conclusion of peace agreement for durable peace in this area. And the military joint mechanism was to implement the existing provisions of the AA for the time being on the assumption that the spirit of the AA is still alive although most of its provisions had been abrogated.

This proposal reflected both generosity and self-restraint of the KPA side.

However, the US repeatedly rejected our sincere proposal without any verifiable reasons.

The proceeding of the armistice relations in Korea, which has brought about only disappointment and unrest to every body showed that as long as the US keeps on stationing in south Korea continuing its hostile policy against the DPRK, no one can expect any new development of situation in Korea and there can be no peaceful settlement of the Korean question in fact.

4

Recently, the AA of Korea has come to face a serious phase, complete abrogation of the AA owing to the US acts of crushing Korea to death.

It has already been known to the world that from its inception the current US Administration listed our Republic as part of an "axis of evil" and the "target of preemptive nuclear strike" and closely prepared for a preemptive military attack

Today the AA is utterly out of sight of the US.

Nowadays the US has mapped out the plan of the build up of war potential and is going to ship sophisticated arms and equipment to arm the US troops occupying south Korea, appropriating a large sum of fund of US$ 11 billion.

It also schemes to commit naval and airspace blockade against us, instigating satellite countries including Japan.

Needless to say, the US arms build-up and act of blockade constitute AA abrogation and acts of war.

Particularly, the "Operation Plan-5030", a new war plan drawn and issued anew by the US Department of Defense is a war plan that the US completely ignores the AA.

It clearly shows that the US military activities reached a critical stage.

The US "Operation Plan-5030" is an extremely adventurous war plan in which military operation is launched without warning from a large scale mobile exercise around the Korean peninsula and then transits to a sudden assault on us. This causes an ultimate vigilance to us and gives rise to serious concern from the world public.

The US has unilaterally abrogated Sub-paragraph 13 d of the AA and introduced a number of nuclear weapons into south Korea and made it as the biggest nuclear base in the Far East long time ago and now it clamors a preemptive nuclear strike.

In a word, it is beyond dispute that a new war in Korea will be a merciless showdown in which the US preemptive nuclear attack against us and our strike of retaliation will intersect with each other.

We are prepared for any kind of decisive battle.

The US has been adopting hostile policy against us for over half a century for only one reason that we do not give up our self-chosen socialist system and our sovereignty which is as precious as our life.

If the US thinks that threat and blackmail, and strong arm and pressure are panacea to control the world and miscalculate that it can yield Korea as it did in other places of the world, this is the height of folly.

Our people steadily realize that none other than the US is the root cause for our nation being bisected and suffering unendurable pain of division for a long time,

Our people have a deep rooted rancor against the US and their patience and power of self-restraint have long before reached its limit.

The Korean people have foreseen all developments which could be brought about by the US hostile policy against the DPRK and have firmly built a powerful military force, overcoming all kinds of trials with tightened belt, in order to counter with them for 50 years following the war.

The current rulers of the US should take a lesson from the miserable debacle of their former generation who signed the Korean AA 50 years ago, lamenting that the Korean War was the first lost war in the history of the United States.

One always regrets late.

Panmunjom, July 23, 2003.